DEPARTMENT OF PUBLIC INSTRUCTION: School Board
—Whether two of a board consisting of three members
may act without the attendance of the third member.

October 20, 1936.

Mr. Grover Van Duyn,
Assistant Superintendent
Public Instruction,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter in which you state that in a
reorganization meeting of a city or town school board one
member refused to act. The other two members were elected
secretary and treasurer respectively but no president was
elected. You now ask whether the two members who are will-
ing to act may transact the official business for the school,
paying teachers according to contracts and performing other
duties usually required of the school board.

It is not quite clear to me just what is meant by a mem-
ber refusing to act. If by that it is meant that the member
did not accept the office and qualify, then, of course, a va-
cancy exists except for the fact that the previous trustee,
whose place he was appointed to fill, would hold over. If the
refusal to act involves simply a refusal to participate in a
meeting the status of the board would be different although
the actual powers perhaps would be the same. I think there
is no doubt of the right and power of a majority of the board
to act and transact any business which may come before
them and it seems to me that it would be the duty of the
board acting through a majority membership to take care
of the business of the school corporation, including the pay-
ment of teachers according to existing contracts.